

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RENEE GALLOWAY, *et al.*, on behalf of
themselves and all individuals similarly situated,

Plaintiffs,

v.

JUSTIN MARTORELLO, *et al.*,

Defendants.

Case No. 3:19-cv-00314-REP

MEMORANDUM IN SUPPORT OF MOTION TO SEAL

Plaintiffs, by counsel, under this Court’s Local Civil Rule 5, move to seal portions of Plaintiffs’ Memorandum in Support of Motion to Enforce Compliance with § 3.5 of the Settlement Agreement (ECF 681), as well as Exhibit 1 thereto. In support thereof, Plaintiffs state as follows

Plaintiffs’ submission quoted terms of the settlement agreement that have already been sealed by the Court. *See* ECF 667. Generally, there is a First Amendment and common law qualified public right of access to judicial proceedings, including the records of all such proceedings. *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606–07 (1982); *Nixon v. Warner Comm’ns Inc.*, 435 U.S. 589, 597 (1978). Non-discovery motions are presumed to be records of judicial proceedings to which the right of access attaches unless there is a compelling confidentiality interest. *Id.* If the interest in preserving confidentiality is compelling, the remedy must be narrowly tailored. *Id.* The judicial officer may deny access when sealing is “essential to preserve higher values and is narrowly tailored to serve that interest.” *Baltimore Sun Co. v. Goetz*, 886 F.2d 60, 65-66 (4th Cir. 1989).

One exception to the public’s right of access is where such access to judicial records could provide a “source[] of business information that might harm a litigant’s competitive standing.”

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